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MAY 24 2006

OFFICE OF PETITIONS

In re Application of :
Shenoy :
Application No. 09/769,446 :
Filed: January 26, 2001 :
Title: Driven Equilibrium and Fast-Spin Echo :
Scanning :

ON PETITION

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed May 5, 2006.

The petition to withdraw the holding of abandonment is **Dismissed**.

Any request for reconsideration should be filed within **TWO MONTHS** of the mailing date of this decision in order to be considered timely. 37 CFR 1.181(f). This time period may not be extended pursuant to 37 CFR 1.136.

This application became abandoned for failure to timely submit the issue and publication fees, as required by the Notice of Allowance and Fee (s) Due which was mailed May 6, 2004. The Notice of Allowance and Fee (s) Due set a three (3) month statutory period for reply. Extensions of time were not available under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on August 7, 2004. A Notice of Abandonment was mailed on March 23, 2005.

Petitioner contends the Notice of Allowance and Fee (s) Due mailed on May 6, 2004 was not received. The showing required to establish the failure to receive an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket report showing all replies docketed for a date three months from the mail date of

the nonreceived Office action must be submitted as documentary proof of non-receipt of the Office action. The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office Communication may have been lost after receipt rather than a conclusion that the Office Communication was lost in the mail.

Petitioner has presented a docket report for the dates of July 5-July 25 of 2004. It is further noted petitioner states that the issue fee is docketed for two weeks before the due date. However, since the Notice of Allowance provided a three month period of reply, petitioner needs to provide the docket report for May 6, 2004 until August 6, 2004. It is also noted that a change of correspondence address was received on June 10, 2004. Petitioner should provide a statement that the change of correspondence address did not affect receipt of the Notice of Allowance.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile:

(571) 273-8300

By delivery service:
(FedEx, UPS, DHL, etc.)

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Customer Service Window,
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at
(571) 272-3215.

Charlema R. Grant

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Office of Petitions